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FILED
DISTRICT COURT OF GUAM

JUN - 6 2005

MARY L.M. MORAN
CLERK OF COURT

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DISTRICT COURT OF GUAM

TERRITORY OF GUAM

ANTONIO BORGHESI,

Petitioner,

vs.

THOMAS LONG, Warden, and
THE UNITED STATES OF AMERICA,

Respondents.

Criminal Case No. 00-00142

Civil Case. No. 03-00024

ORDER

On July 1, 2001, Petitioner, a federal prisoner, filed an application for a writ of *habeas corpus* pursuant to 28 U.S.C. § 2241. Petitioner subsequently elected to have his application proceed under 28 U.S.C. 2255, seeking a determination by this Court of his Motion to Set Aside, Vacate or Correct [the] Sentence that was imposed upon him within the proceedings of Criminal Case No. 00-00142. The Magistrate Judge issued his Findings and Recommendation ("Findings") on February 14, 2005, wherein, he recommended that the petition for a writ of *habeas corpus* be denied. Thereafter, the Magistrate's Report was mailed to both Petitioner and Respondent. Both parties were placed on notice that:

failure to serve and file written objections to the Report's findings and recommendations within ten(10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendations before the assigned/designated District Judge. 28 U.S.C. § 636(b)(1).

Report at 9. To date, neither party has filed any objections.

1 After review of the February 15, 2005 Report, this Court concurs with the Magistrate Judge's
2 findings and recommendation and affirms his Report in its entirety. Accordingly Petitioner's
3 application of a writ of *habeas corpus* is hereby DENIED.

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5 SO ORDERED this 6 day of June, 2005.
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RICARDO S. MARTINEZ
United States District Judge

I hereby certify that the annexed
instrument is a true copy of the
original on file in my office.
ATTEST: CLERK OF COURT
District Court of Guam
Territory of Guam

By: Marilyn B. Alcar
Deputy Clerk

Notice is hereby given that this document was
entered on the docket on 6-6-05.
No separate notice of entry on the docket will
be issued by this Court.

Mary L. M. Moren
Clerk, District Court of Guam
By: Marilyn B. Alcar 6-6-05
Deputy Clerk Date

* The Honorable Ricardo S. Martinez, United States District Judge for Western Washington, by designation.